

75-5-310. Temporary guardians.

(1) If an incapacitated person has no guardian and an emergency exists or if an appointed guardian is not effectively performing his duties and the court further finds that the welfare of the incapacitated person requires immediate action, it may, without notice, appoint an appropriate official as temporary guardian for the person for a specified period not to exceed 30 days pending notice and hearing.

(2) The court shall, in all cases in which a temporary guardian is appointed, hold a hearing within five days pursuant to Section 75-5-303. Unless the allegedly incapacitated person has already obtained counsel, the court may appoint an appropriate official or attorney to represent that person in the proceeding. Until the full hearing and order of the court, the temporary guardian shall be charged with the care and custody of the ward and shall not permit the ward to be removed from this state. The authority of any permanent guardian previously appointed by the court is suspended so long as a temporary guardian has authority. A temporary guardian may be removed at any time, and shall obey such orders and make such reports as the court requires.

Amended by Chapter 244, 1979 General Session